

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Alvin R. McDonald,	§	CIVIL ACTION NO. <u>09-CV-573-CVE-TLW</u>
Plaintiff,	§	
	§	
vs.	§	
	§	
Akal Security and Eric Holder,	§	
Attorney General of the United States,	§	
Defendants.	§	A JURY IS DEMANDED

PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

_____The plaintiff, Alvin McDonald, designates the following persons as Expert Witnesses
in this case:

1. Sigfrid D. Soli, Ph.D.
House Ear Institute
2100 W. 3rd Street
Los Angeles, California 90057
(213) 353-7085
2. Todd A. Ricketts, Ph.D.
Vanderbilt Bill Wilkerson Center
114 19th Avenue South
Nashville, Tennessee 37212
(615) 936-5258

Dr. Soli, and Dr. Ricketts may be called at trial to offer expert testimony regarding Mr. Ruiz' hearing condition and his ability to perform the essential functions of his job; they may be called at trial to offer expert testimony regarding Defendants' justification for terminating Mr. Ruiz. They may rebut any contention that Mr. Ruiz' condition made him a direct threat to the safety of himself or others. They may also offer opinions on whether blanket bans on hearing aids in hearing testing are appropriate, job-related, supported by business necessity, and whether performance may be accomplished through reasonable accommodation.

Reports and C.V.s for these experts are being served as required by Rule 26 of the Federal Rules of Civil Procedure. Dr. Soli's hourly rate is \$300 and \$400 for deposition and courtroom testimony. Dr. Ricketts' hourly rate is \$100.

4. Dr. Nakiea Strecker
Professional Hearing Healthcare
9 North Water Street, Suite 107

Sapulpa, Oklahoma 74066
(918) 224-5400

Dr. Strecker is an audiologist that Mr. McDonald has consulted and will testify as a treating audiologist. Her records have been provided to the defendant.

5. John W. Griffin, Jr.
Marek, Griffin & Knaupp
203 North Liberty Street
Victoria, Texas 77901
(361) 573-5500

6. Katherine L. Butler
Butler & Harris
1007 Heights Boulevard
Houston, Texas 77008
(713) 526-5677

While these last two individuals will not testify at trial, they may be called upon to testify about attorneys fees post-trial. The subject matter about which Katherine Butler and John Griffin, Jr. (hereafter collectively the "attorneys' fees experts") are expected to testify includes: the subject of attorneys' fees, what a reasonable and necessary amount of attorneys' fees and expenses would be for the prosecution, handling and appeal of this case and whether the time and activities undertaken by plaintiff's attorneys were reasonable and necessary.

The attorneys' fees experts have had experience handling cases similar to the plaintiff's case. The mental impressions and opinions held by the attorneys' fees experts are that the hourly value of attorneys' fees incurred by the Plaintiff to prosecute this case to date and through the time of trial has been and is reasonable and necessary in the area; that the hourly rates charged by the attorneys and paralegals in this case are fair and reasonable in area; that the work they performed was necessary and reasonable; and in the event of an appeal of this case, the necessary attorneys fees that would be incurred to defend same.

The facts known to the attorneys' fees experts include: the attorneys' fees experts education, experience, background, and training; a review of the Plaintiff's most recent Complaint and Defendants' most recent Answer filed in this case; knowledge of Plaintiff's attorney's law practice, teaching, publications, education, training and experience; knowledge about Plaintiff's counsel's reputation; the knowledge that John Griffin, Jr. is board certified by the State of Texas in the areas of Civil Trial, Personal Injury and Consumer Law. Mr. Griffin is also a member of the Fifth Circuit Pattern Jury Instructions Committee for Labor and Employment, as well as the State Bar of Texas Pattern Jury Charge Committee- Business, Consumer and Employment. Ms. Butler is board certified by the State Bar of Texas in the area of Civil Appellate Law and serves as the President of the Texas Employment Lawyers Association.

Both Ms Butler and Mr. Griffin are fellows of the College of Labor and Employment Lawyers.

Respectfully submitted,

s/ Katherine L. Butler
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Counsel for the Plaintiff

Certificate of Service

I certify that a true and correct copy of this document has been served upon the defendant through the electronic filing system of the Northern District of Oklahoma on August 20, 2010.

/s/ Katherine L. Butler